

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOSALYN JOHNSON,

Plaintiff

VS.

FLUOR CORPORATION d/b/a

No. _____

FLUOR DANIEL, INC. d/b/a

DEL-JEN, INC., DEL-JEN, INC.,

WILLIAM JOHN HALL d/b/a

HORIZON YOUTH SERVICES a/k/a

HORIZONS YOUTH SERVICES d/b/a

ENDLESS HORIZONS & INSIGHTS

TRAINING, INC.; and

INSIGHTS TRAINING GROUP, LLC.

Defendants.

COMPLAINT

Comes Josalyn Johnson, statutory beneficiary under T.C.A. §20-5-106 and mother of Kirby K. Johnson, by counsel, Mark Ledbetter, who for her Complaint against Defendants, Fluor Corporation d/b/a Fluor Daniel, Inc. d/b/a Del-Jen, Inc., Del-Jen, Inc., William John Hall d/b/a Horizon Youth Services a/k/a Horizons Youth Services d/b/a Endless Horizons and Insights Training, Inc. and Insights Training Group, LLC states:

I.

PARTIES

1. Plaintiff, Josalyn Johnson, is a citizen and resident of Memphis, Tennessee and is

the mother, next of kin and statutory beneficiary of Kirby K. Johnson, deceased, for whose personal injuries and wrongful death this matter is brought; Defendant, Fluor Corporation, is a corporate citizen incorporated in a state other than Tennessee that does business in the State of Tennessee; Defendant, Fluor Daniel, Inc., is a corporate citizen incorporated in a state other than Tennessee that does business in Tennessee; Defendant, Del-Jen, Inc., is a corporate citizen incorporated in a state other than Tennessee that does business in Tennessee; as the foregoing corporations are parent and subsidiaries and hold themselves out collectively as "Fluor", they will hereafter be collectively referred to as such; Defendant, William John Hall, is a citizen of a state other than Tennessee who does business in the state of Tennessee and is sued for doing business as Horizon Youth Services a/k/a Horizons Youth Services d/b/a Endless Horizons; as the foregoing fictitious names or organizations are proprietary to the said Hall, he and they will hereafter be designated as "Hall." Defendant, Insights Training, Inc., is a corporate citizen incorporated in a state other than Tennessee that does business in the state of Tennessee; Defendant, Insights Training Group, LLC, is a limited liability company incorporated in a state other than Tennessee that does business in the state of Tennessee.

II.

JURISDICTION

2. The instant claim is one for the wrongful death of Plaintiff's decedent/daughter, Kirby Johnson, age 18, who contracted with the Defendants' Memphis Job Corps Admissions, Memphis, TN 38103 in the Job Corps; that the Defendants are private contractors who are the real parties in interest who operate a United States Job Corps (hereafter WYJCC) program at 8460 Shelbyville Road, Simpsonville, Kentucky, 40067; that said Defendants, acting through

their designated agent in Memphis, TN solicited and enrolled decedent, Kirby Johnson, as a Job Corps applicant on or about August 16, 2006; that this Court has jurisdiction over these Defendants under T.C.A. §20-2-201, by reason of the Defendants having acted through an agent or otherwise for having transacted business in the State of Tennessee; the matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

III.

FACTS

3. That on November 16, 2006, Kirby Johnson, was living and studying at the Whitney Young Job Corps Center, Simpsonville, KY 40067; that on that date, she became ill and died the next day, November 17, 2006, after having been refused timely hospitalization, requested and proper medical treatment and care as she was accorded care not consistent with her safety, promised benefits or otherwise proper medical care to which she was entitled from Defendants; that Job Corps is a residential educational and job training program which was ostensibly, but not in fact, operated by the U.S. Department of Labor; instead, private corporate contractors, these Defendants, promising complete healthcare and other benefits at this location; ran it as a for-profit enterprise; Defendants are the private contractors who were in control of Plaintiff's decedent, her health, nutrition, residential conditions, and safety at all times pertinent hereto. Had Kirby K. Johnson received timely medical care, she would have survived the staph infection for which she received no treatment.

IV.

CLAIMS

4. That on or before November 16, 2006, Kirby Johnson, a single person, now deceased, daughter of Plaintiff, Josalyn Johnson, became ill and sought treatment from the Resident advisor, the Wellness Center and otherwise at the WYJCC, Simpsonville, KY 40067, and thereafter died on November 17, 2006; that her death, for which suit is herewith brought pursuant to T.C.A. §20-5-106, *et seq.*, was due to the fault of Defendants, jointly and severally, in the following particulars, *viz.:*

- a. Failure to afford or provide timely, adequate, proper and requested medical and/or hospital treatment to Plaintiff's decedent, consistent with the Policy and Requirements Handbook, Job Corps, U.S. D.O.L., July 1, 2001, as amended, and pertinent Symptomatic Management Guidelines for Non-Health Staff;
- b. Failure to follow proper guidelines or standards set for the safety of Plaintiff's decedent and others similarly situated; as set forth in the Policy and Requirements Handbook, Job Corps, U.S. D.O.L., July 1, 2001, as amended; and
- c. Abuse and neglect of Plaintiff's decedent.

That, for the foregoing defaults, Defendants are liable, as parties in privity with each other, jointly and severally, for all proximately caused damages and harm, including death, sustained by Plaintiff and Plaintiff's decedent.

V.

DAMAGES

5. At the time of her death, Plaintiff's decedent, Kirby K. Johnson, was a healthy,

active and industrious young woman eighteen (18) years of age, capable of earning substantial wages; that Plaintiff seeks consequential damages of Four Million dollars (\$4,000,000.00) for her conscious pain and suffering, mental anguish, and her future loss of earnings or income; for the willful and wanton disregard for her life and safety manifested by Defendants herein, by their failure to provide Kirby K. Johnson timely, proper and necessary medical treatment, punitive damages are also sought herein, in the sum of Two Million (\$2,000,000.00) dollars.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS that she be granted judgment against Defendants, jointly and severally, in the sum of \$4,000,000.00 for consequential or compensatory damages and for \$2,000,000.00 in punitive damages, and for her costs, discretionary and clerk's, herein paid out and expended; a jury trial is demanded.

JOSALYN JOHNSON

Respectfully submitted,

/s/ Mark Ledbetter

Mark Ledbetter

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